

### **REMARKS**

Claims 120-132 remain pending in the application and stand rejected. Claim 129 has been amended herein.

#### **Claims Rejected Under 35 U.S.C. §112**

Claims 129-132 stand rejected under 35 U.S.C. §112, first paragraph, with respect to the recitation in claim 129 of "either approval for a custom orthodontic appliance for the patient or for revision." Applicants have amended this language for clarity to state "for either (a.) approval for use in creating a custom orthodontic appliance for the patient or (b.) revision". Applicants note that the claim recites evaluation of "images of teeth of the patient ... in the suggested post treatment tooth positions and orientations", so that a post-treatment position can be approved for use in making a custom appliance, or revised. This is clearly disclosed in the Specification such as at page 10, lines 1-3, which states:

This results in an ideal dental or clinical archform or other intermediate or final tooth arrangement in which a treatment digital model, in the form of three-dimensional computer images and numerical data, is provided for review, revision or approval by the orthodontist 14.

Applicants further submit that each of dependent claims 130-132 is also supported by the Specification. Applicants refer the Examiner to the Specification, for example, at page 10, lines 1-20.

The Examiner has asserted that "the feedback information has been of *tooth positions and orientation*, not approval or revision of the custom orthodontic appliance.

Applicants believe that claim 129 et seq. clearly recites that the approval is of the "suggested post treatment tooth positions"; furthermore, it is apparent in the specification that approval of those suggested positions leads to the creation of the custom appliance for the patient, exactly as the claim recites.

Applicants submit that claim 129 and its dependent claims are clearly supported by the Specification, and Applicants respectfully request that the rejections of claims 129-132 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 121, 127 and 128 stand rejected under 35 U.S.C. §112, second paragraph, with respect to the recitation of "the person viewing the display". Applicants note that antecedent basis for "the person viewing the display" in claim 121 is supported by the language of claim 120 at line 8, which states "from a person . . . who has interactively viewed a display." Applicants assert that the language indicated by the Examiner finds clear antecedent support in the claims. If the Examiner continues to find any objection to the language in terms of antecedent basis, Applicants would appreciate any suggestions for alleviating the Examiner's continued concerns.

#### **Claims Rejected Under 35 U.S.C. §103**

Claims 120-132 stand rejected under 35 U.S.C. §103 as being obvious in view of U.S. Patent No. 5,975,893 to Chishti et al. in combination with U.S. Patent No. 6,575,751 to Lehmann et al. Lehmann et al. is prior art to the present application only under 35 U.S.C. 102(e).

Applicants are submitting herewith a declaration of Mr. Joseph Jordan, the application drafting attorney, regarding a demonstration he received of a reduction to practice of the invention, prior to the 102(e) date of Lehmann et al. Applicants submit, therefore, that Applicants have demonstrated that Lehmann et al. is not prior art to the present application for the reason that Lehmann does not claim a filing date prior to the date of invention of the Applicants as demonstrated by Mr. Jordan's declaration.

The Examiner apparently concedes Chishti et al. is not anticipatory of the claims, as that rejection was withdrawn. Applicants respectfully request that the rejections of these claims be withdrawn.

#### **Extension of Time**

A petition for extension of time for three (3) months is necessary to accompany this communication, please consider this paper a petition for such an extension of time. Authorization to charge a credit card will be provided in the EFS-WEB transmittal.

#### **Conclusion**

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

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Reply to Office Action of May 8, 2006  
Response Dated September 19, 2007

Applicants do not believe that any fee is due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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